

### Remarks

Claims 1-3, 6-14, 16, 17, 19 and 20 are pending.

Claims 4, 5, 15, 18 have been withdrawn from consideration.

Claims 1-3, 6-14, 16, 17, 19 and 20 have been rejected under 35 USC §§102/103.

Claims 2-4, 16 and 18 have been cancelled without prejudice.

Upon entry of this amendment, Claims 1, 6-14, 17, 19 and 20 will be pending.

Claims 1 and 13 have been amended to require that the applicator tip member comprise at least one abrasive surface, a sponge material and have a three-dimensional wedge shape. Support for these amendments can be found in the Claims as originally filed as well as at page 4, paragraph 0023, first sentence in combination with Figures 1-4; page 3, paragraph 0012, second sentence; and page 5, paragraph 0024, last sentence of the specification.

Before considering the Examiner's rejection under 35 USC §§102/103 in detail, Applicant wishes to briefly summarize the key aspects of the present invention.

The present invention, as amended, relates to disposable teeth cleaning applicator devices comprising an elongated tubular shaft member; an applicator tip member at one end and a toothpick device at the other end of the tubular shaft member and a oral composition positioned inside the tubular shaft member and, once released, is squeezed or allowed to flow into the applicator tip member and used to clean a person's teeth, wherein the applicator tip member has at least one abrasive surface and wherein said applicator tip comprises a sponge material and has a three-dimensional wedge shape suitable for cleaning the spaces between teeth.

### Rejection under 35 USC §102

The Examiner has rejected Claims 1-3, 6-14, 16, 17, 19 and 20 under 35 USC §102 as being anticipated by US Patent 6,132,445 to Pavanelli (Pavanelli) or US Patent 6,536,979 to Kenny et al. (Kenny).

Applicant respectfully traverses this rejection.

Pavanelli relates to a device for cleaning and improving the hygiene of the oral cavity *and in particular of the tongue*, comprises a rod having a flat head fixed to one

end thereof. The reference further characterizes the head as having two opposite flat surfaces, each surface having a plurality of protuberances thereon designed for scraping and brushing the upper tongue surface during cleaning. However, nowhere does Pavanelli teach or suggest forming the applicator tip into the shape of a three-dimensional wedge to specifically aid in tooth cleaning. In contrast, the applicator device of the present invention, as amended, specifically requires the applicator tip member be in the form of a three-dimensional wedge shape. Therefore, since Pavanelli nowhere teaches or suggests forming an applicator tip into a three-dimensional wedge, the applicator of the present invention, as amended, is not anticipated by nor would it have been obvious over this reference.

Kenny relates to water toothbrush assembly for brushing teeth includes a *toothbrush* connected to a bottle. The *toothbrush* is disclosed as having an elongated body with a head at one end and an opposite end that is open, such that the interior of the body forms a passageway for transporting a fluid through the body, the head includes at least one aperture and the open end of the body is threaded. The further discloses the toothbrush as including a *plurality of bristles*. However, nowhere does Kenny teach or suggest sponge applicator tips for cleaning teeth. In contrast, the applicator device of the present invention, as amended, specifically requires the applicator tip member comprise a sponge material. Therefore, since Kenny nowhere teaches or suggests sponge applicator tips for cleaning teeth, the applicator of the present invention, as amended, is not anticipated by nor would it have been obvious over this reference.

#### Rejection under 35 USC §103

The Examiner has further rejected Claims 1-3, 6-14, 16, 17, 19 and 20 under 35 USC §103 as being Obvious over US patent 4,415,288 to Gordon (Gordon) or as being obvious over Pavanelli alone or in view of US Patent 5,967,152 to Rimkus (Rimkus) or as being obvious over Kenny alone or in view of US 6,070,286 to Cardarelli (Cardarelli) or US Patent 6,536,979 to Kenny et al. (Kenny).

Applicant respectfully traverses this rejection as well.

Gordon relates to improved liquid dispensing surgical scrub devices characterized by a cartridge which is slidable in a rigid handle and rupturably by a spike when slid within the handle to a predetermined degree. Fluid from the ruptured cartridge flows from within the handle to within a sponge through apertures which permit free flow of the dispensed fluid. However, nowhere does Gordon teach or suggest three-dimensional, wedge shaped applicator tips having at least one abrasive surface. In contrast, the applicator device of the present invention, as amended, specifically requires the applicator tip member be in the form of a three-dimensional wedge shape having at least one abrasive surface. Therefore, since Pavanelli nowhere teaches or suggests three-dimensional, wedge shaped applicator tips having at least one abrasive surface, the applicator of the present invention, as amended, would not have been obvious over this reference.

As noted above, Pavanelli, *inter alia*, relates to a device for cleaning and improving the hygiene of the oral cavity *and in particular of the tongue*, comprises a rod having a flat head fixed to one end thereof. Rimkus relates to disposable oral cleaning devices for cleaning and removing particles and bacteria *from the upper surface of the tongue*, including an elongated handle having a solution storage cavity, an attachment utensil partially stored in the cavity, and a head component. The attachment has a *brush* for applying the solution to a surface of the mouth, and a cap for sealably. However, nowhere do these references teach or suggest forming the applicator tip into the shape of a three-dimensional wedge to specifically aid in tooth cleaning. In contrast, the applicator device of the present invention, as amended, specifically requires the applicator tip member be in the form of a three-dimensional wedge shape. Therefore, since neither Pavanelli nor Rimkus teaches or suggests three-dimensional, wedge shaped applicator tips, the applicator of the present invention, as amended, would not have been obvious over these references in combination.

Also as noted above, Kenny, *inter alia*, relates to water toothbrush assembly for brushing teeth includes a *toothbrush* connected to a bottle. Cardarelli relates to a *toothbrush* which will alleviate stress through an angulated handle portion that has a series of coils located at its distal end, the distal end of which being connected to a mandolin shaped *brush* head which includes a center core material which acts to urge

the *bristles* into a 45 degree angle of brushing. However, nowhere do these references teach or suggest sponge applicator tips for cleaning teeth. In contrast, the applicator device of the present invention, as amended, specifically requires the applicator tip member comprise a sponge material. Therefore, since neither Kenny nor Cardarelli teaches or suggests sponge applicator tips for cleaning teeth, the applicator of the present invention, as amended, would not have been obvious over these references in combination.


Applicant acknowledges the Roberts, Jr.; Barnett; Chari et al.; Silverman; Blasius, Jr.; and Copelan et al. references cited by the Examiner as not relied upon, yet alleged to be pertinent to Applicant's disclosure. However, Applicant submits that none of these references teach or suggest applicator devices comprising a three-dimensional, wedge shaped applicator tip members suitable for cleaning the spaces between teeth, wherein the applicator tip member comprises a sponge material and has at least one abrasive surface and wherein the applicator tip member is suitable ***for receiving*** an oral composition ***located outside*** of the applicator tip member for use in the oral cavity. Therefore, the disclosures of Roberts, Jr.; Barnett; Chari et al.; Silverman; Blasius, Jr.; and Copelan et al. are distinguished from the claimed applicators of the present invention, as amended.

Conclusion

Therefore, in light of the amendments and remarks made herein, it is respectfully submitted that the rejection under 35 USC §§ 102/103 has been overcome. Applicant respectfully submits that she has distinguished the cited art sufficiently to avoid the Examiner's rejection. Accordingly, consideration and allowance of amended claims 1, 6-14, 17, 19 and 20 are earnestly solicited.

Respectfully submitted,

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